IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 28TH DECEMBER 2007 / 7TH POUSHA 1929

WP(C).No. 38294 of 2007(H)

PETITIONER:

M/S.NAS FISHERIES PVT.LTD,KARTHIKA BUILDINGS,EDAKOCHI,REPRESENTED BY ITS DIRECTOR ANWAR SAIT.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.HARIS
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.SHEENA SAMUEL

RESPONDENTS:
----

1. KERALA STATE ELECTRICITY BOARD, VYDHUTHI BHAVANAM,PATTOM,THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

2. THE CONSUMER GRIEVANCE REDRESSAL FORUM,CENTRAL REGION,POWER HOUSE ROAD, ERNAKULAM,REPRESENTED BY ITS CHAIRMAN.

3. THE SPECIAL OFFICER (REVENUE) VYDHYUTHI BHAVANAM,PATTOM,THIRUVANANTHAPURAM.

4. THE ASSISTANT ENGINEER (APTS), KERALA STATE ELECTRICITY BOARD, POOVENTHURUTHU,KOTTAYAM.

5. THE ASSISTANT ENGINEER, KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION,PALLURUTHY, ERNAKULAM.

BY GOVERNMENT PLEADER SMT. RAMANI T.B.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

==========

W.P.(C).No.38294 of 2007

==========

Dated this the 28th day of December, 2007

JUDGMENT

The petitioner has been proceed against under the Electricity Act, 2003 for alleged short assessment for electricity charges. Originally the petitioner approached this Court by filing W.P.(C).No.3912 of 2006 which was disposed of directing the Officer competent among the respondents to consider the objections of the petitioner and pass orders thereon. In that writ petition the disconnection of power supply was stayed on condition that the petitioner remits an amount of Rs.5,00,000/-. The petitioner submits that the said amount of Rs.5,00,000/- has been remitted. However by Exts.P3 final order has been passed and Ext.P4 demand notice has been issued whereby the petitioner has been directed to pay additional electricity charges of Rs.29,61,636/-. The petitioner challenges Exts.P3 and P4 orders in this writ petition. However, the petitioner himself submits that the petitioner has filed Ext.P4 petition before the Consumer Grievances Redressal Forum, Central Region, Ernakulam as provided under the regulations applicable.

Petitioner now seeks expeditious disposal of Ext.P6 as also a stay of recovery of the amounts now demanded as per Ext.P5. The petitioner further submits that the amount of Rs.29,61,636/- is without taking into account the Rs.5,00,000/- which the petitioner has already paid.

2. I have heard the learned standing counsel appearing for the Kerala State Electricity Board also who opposes the prayer of the petitioner. He supports Exts.P3 and P4 and submits that petitioner may be directed to pay the amounts now assessed.

3. After considering the contentions of both sides, I dispose of this writ petition with the following directions:

The second respondent shall consider and pass appropriate orders on Ext.P6 petition filed by the petitioner as expeditiously as possible. Pending disposal of Ext.P6, there would be a stay of further proceedings pursuant to Exts.P3 and P4, on condition that the petitioner pays a further amount of Rs.10,00,000/- (Rupees ten lakhs) in addition to the Rs.5,00,000/- (Rupees five lakhs) directed to be paid as per W.P.(C).No.3912/2006, within a period of one month.

S.SIRI JAGAN, JUDGE

dvs